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A concise Reputation of the Claim
New-Hampshire and Massachusetts-Ba
the Territory of Vermont; with occasional Re
marks on the long disputed Claim of New-York
to the same.

Written by
Ethan Allen and Jonas Fay Esqr. Published
by order of the Governor and Council of Vermont
Bennington the first day of January. 1780.

Joseph Fay. Se

This government astonished at the late extraordinary
claims of New-Hampshire and Massachusetts-Bay to
the territory of Vermont, and the following remark
having been omitted in our piece heretofore publishe
on the subject, laid themselves under the disagreea
necessity of publicly exposing the imbecility, & depravi
of those governments, whose candor, on the very firs
attempts, should have suggested to them, that in pros
cuting such claims, they would unavoidably become
accomplices with the government of New-York, in t
many aggravated and long continued oppression of
people of this State. This government sensible of the d
sires of certain leading gentlemen of the government
New-York against them, and being apprized that
had some time since proposed to certain leading gentl
men in the States of New-Hampshire and Massachuse
Bay, to divide this State among the three States afore
which are now actually claiming it severally, and sensi
likewise of our danger from the Frontier Situation to
Province of Quebec, and the influence which the goverm
of New-York (especially if corroborated by those of New-Ha
shire and Massachusetts-Bay) might have in the Con
of the United States in which we have not represented. T
apprehensions excited this government to remonstrate at

General Courts of New-Hampshire and Massachusetts-Bay against their making and prosecuting such claims; which, in their nature and tendency, are cruel unjustifiable, and without any reasonable foundation for their support;— And having received several acts of Congress of the 24th of September last, among which is contained a recommendation to the several States of New-Hampshire, Massachusetts-Bay and New-York to pass Laws expressly authorising the grand Council of America to hear and determine the differences which have subsisted between them, on one part, and the inhabitants of a district of country called the New-Hampshire Grants (as they are pleased to term them) on the other, on the first day of February next, and a citation (only) to the inhabitants of the latter to choose Agents and otherwise prepare for the hearing aforesaid; have therefore thought it expedient to exhibit to the world, and to the honorable Congress, as a very respectable part of it, the apparent impropriety of those claims.

And first we shall consider the pretensions of Massachusetts Bay. It is admitted, that previous to the adjudication of the boundary line 1739, between New-Hampshire and Massachusetts-Bay, the latter had claimed a considerable part of the present jurisdiction of New-Hampshire, from the Atlantic ocean on the east part (which claim did equally interfere with the territory now in dispute) and in longitude through the main land to the South sea, on the west part, as described in the charter of the Colony of Massachusetts-Bay. This antiquated claim of Massachusetts-Bay was refered to the King and Council, by an appeal from a Court of Commissioners previously authorised by the same authority to determine, and mark out the boundaries between the said two provinces; as may appear from the following extract of the settlement of that line, viz.

"And whereas appears from the determination of the said "Commissioners have been laid before his Majesty, by the

"Agents for the respective Provinces of the Massachusetts-Bay
"and New-Hampshire; which said appeals have been hear
"before the Committee of Council for hearing appeals from the
"plantations, who after having considered the whole matter
"and heard all parties concerned therein, did report unto his
"Majesty as their opinion, that the northern boundary of
"the said Provinces of Massachusetts-Bay are, and be, a similar
"curve line, pursuing the course of Merimack River at three
"miles distance of the north side thereof, beginning at the
"Atlantic ocean, and ending at a point due north of a
"place (in a plan returned by said Commissioners) called
"Pantucket-Falls; and a strait line drawn from thence
"due west cross the said river till it meets with his Maj-
"esty's other governments; which said report of the Committ
"tee of Council, his Majesty hath been pleased with the
"advice of his Privie Council to approve, and to declare,
"adjudge and order that the northern boundary of the
"said Province of the Massachusetts-Bay are, and be a simi-
"lar curve line, pursuing the course of Merimack River
"at three miles distance on the north side thereof beginning
"at the Atlantic ocean, and ending at a point due north
"of a place in the plan returned by the said Commissioners
"called Partuchet Falls, and a strait line drawn from
"thence due west cross the said river, till it meets his Maj-
"esty's other governments."

This adjudication was made in 1739. which was forty years ago, and government of the Massachusetts Bay have regulated their jurisdiction accordingly ever since; which is too notorious to be disputed, and may be further illustrated by a variety of acts of their own, as well of the British government; one of them respects Fort Dummer which was built by the Massachusetts-Bay Province in 1724. and garrisoned at their expence a number of years, but upon its being excluded from their jurisdiction by the settlement of the boundary line aforesaid, the Bay-Province represented

to the government at home, that the said district of land claimed as aforesaid, and Fort Dummer, having been determined to be the property of New-Hampshire, they were no longer obliged to garrison and maintain it, and praying, that as it was necessary for the defence of that part of the country, that New-Hampshire might be directed to support it. In consequence of which an order passed the King and Council in 1744. as follows, viz. "That the Governor "and commander in Chief of New-Hampshire should forth- "with move the assembly, in his Majesty's name, to make "a provision for that service;" and at the same time inform- ing them, "that in case they refused to comply with so "reasonable and necessary a proposal, his Majesty would "find himself under the necessity of restoring that fort, "with a proper district of land contiguous to it, to the "Province of the Massachusetts Bay, who cannot, (with jus- "tice) be required to maintain a fort no longer within "their boundary." In consequence of this requisition New-Hampshire did actually maintain Fort-Dummer, and paid a demand of arrears for its previous support to Mas- achusetts-Bay; and the receipt thereof remains in the Secretary's office of New-Hampshire to this day.

After these solemn governmental transactions, and actual compliance of Massachusetts-Bay to the said royal adjudication, their pretensions to the jurisdiction of Vermont appears to be not only impertinent but arbitrary, and should such a precedent take place would make an end to all jurisdictional limitations through the United States, as well as those of Vermont; as in this case no ancient Settlement of boundary lines respecting them could be valid, and consequently the greatest confusion and disorder would necessarily ensue. Furthermore, if there be any thing in those pretensions of Massachusetts-Bay, they equally affect the actual jurisdiction of New-Hamp- shire to the eastward of Connecticut River, over which

eastern part when Massachusetts-Bay shall exercise their jurisdiction, it will be early enough for them to do the same over an equal width of the jurisdiction of Vermont. After all, provided there be any reality in those pretensions, there is a great deal in them, as they are founded on a charter right, and consequently challenge the right of soil.

This the principle gentlemen of their court gave our Agent to understand, that they demanded, with jurisdiction; which opens another scene of expense to the inhabitants (provided their pretended claim takes place) This will undoubtedly be displeasing to the present occupents, their lands having been (the greater part of them) already granted by New-Hampshire and New-York; but there is no probability of satisfying the many unwarrantable and avaricious claims of the several contending governments, the citizens of Vermont, therefore judge it reasonable to reject them.

This government have such a sacred regard to the occupancee of land within their jurisdiction, that they would not wish to have the possession and occupents disturbed in their possesions; notwithstanding such land may have been appropriated by either of the contending governments, (New-York not excepted.)

We come now to the consideration of the pretensions of New-Hampshire to the jurisdiction of Vermont, by introducing the settlement of the boundary line between them and New-York, as follows, viz.

"At a Court at St. James's the 20th day of July 1764.

"PRESENT.

"The Kings most Excellent Majesty.

"Lord Stewart

"Earl of Sandwich,
"Earl of Halifax,
"Earl of Powis,
Earl of Harcourt.
"Earl of Hilsborough,
"Mr. Vice Chancellor.
"Gilbert Eliot, Esqr.
"James Oswald Esqr.

"Whereas there was this day read at the Board, a report
"made by the right honourable the Lords of Committee of
"Council for Plantation affairs, dated the 17th of this instant,
"upon considering a representation from the Lords Commission-
"ers for trade and Plantations, relative to the disputes that
"have some years subsisted between the Provinces of New-
"Hampshire and New-York, concerning the boundary line
"between those provinces. His Majesty taking the same
"into consideration, was pleased, with the advice of his
"Privy Council, to approve of what is herein proposed, and
"doth accordingly hereby order and declare, the west
"bank of the river Connecticut, from where it enters the
"province of Massachusetts-Bay, as far north as the forty-
"fifth degree of northern latitude, to be the boundary
"line between the said two provinces of New-Hampshire
"and New-York; where of the respective Governors Commander
"in Chief of his Majesty's said provinces of New-Hampshire &
"New-York, for the time being, and all others whom it may
"concern, are to take notice of his Majesty's pleasure hereby sig-
"nified, and govern themselves accordingly.

"Wm. Blair."

Probably the advocate for the pretensions of the claim of New-Hampshire to this territory, will advert to the 47th and 48th pages of our vindication of the right of the inhabitants of Vermont, to form into an independent State; where we show the nullity of the said adjunction line of 1764, in consequence of the declaration of independence of the United States, and the annihilation of the British government in America; asserting, that in consequence of our arguments alluded to as aforesaid, they open a door for the claim of New-Hampshire to take place, by making void that line, in order to defeat the claim of New-York. The attention of the reader is requested very particularly to the following observations, viz. The territory of Vermont, until the people's declaration of independence, was extra-

provincial land, and the governments of New-Hampshire and and New-York claimed the jurisdiction of it by turns, merely from the Sovereign will and pleasure of the King as neither of these governments were possessed of any charter right, as a body politic, which they could call their own, or challenge in their own right. Had New-Hampshire been possessed of such a charter-right, their claim would have been more respectable and firmanet; and would have operated against the adjudication of 1764 aforesaid, provided such boundaries had been previously ascertained; But the disputed territary being in those times crownlands, and without the limits of any of the (them) colonies or plantations, the Kings authority over it it was therefore absolute; and while this power remained in being, the last royal decree was valick and binding, which was that of 1764. aforesaid which extended the jirisdiction of New-York and New Hampshire to the premises became extinct and finished; nor is it in their power to renew their claim to this government, being wholly destitute of any charter right thereto, and haveing lost it by the same arbitrary power by which they acquired it, and ought therefore to be finally, silent about it, as well on account of their own relinquishing of such claim, and not affording the inhabitants any protection or jurisdictional support for a succession of years, but since the declaration of the indipendance of this State have not only relinquished their said claim, by their governmental transactions, explicitly acknowledging the indipendence of this State; The proper credentials of this last fact will be exhibited in the following sheets, with some further illustration;- Being at present impatient to observe that as the claim of New-Hampshire to this territory was nullified, and became extinct in consequence of the royal decree of 1764 aforesaid, as before argued; and as the claim of New-York to this territory was equally deficient as that of New-Hampshire, to any charter-right as a body-politick

British government, over the head of those royal cedu
ulications of 1739 and 1764 aforesaid; and it is worthy
a remark, that these claims have been stated about
three years since the declaration of the Indipendence
of the United States, Still the people of Vermont, legall
speaking, remained under the British government
(over which Govenor Phillips Skeene was commission
ed chief magestrate, and next to this government, has
the best claim to the jurisdiction of Vermont from
the 4th day of July 1776, to the 15th day of January nex
following, and then in a Solemn manner disavowe
the British government, and rejected the pretensions
of Mr Skeene, and all other pretenders to the jurisdiction
of this territory, and declared themselves a free and
Indipendant State; and have, as they humbly conceive,
in their various struggles for liberty, fairly, merited the
enjoyment of it. This they consider as the ultimate re-
ward of their many expences, labours, toils, battles, vic-
tories and hazards, and for the attainment of which
they they have chearfully suffered such an uncommon
series of concomitant evils.

The following exhibits will set the pretensions of the
claim of New-Hampshire in a pure light. Not long after
the settlement of the jurisdictional line in 1764, between New
York and New-Hampshire, Govenor Benning Wentworth,
who then presided over the latter, issued his proclamation,
the principle import of which is, "That whereas it was the kings
"pleasure that this territory should be under the jurisdiction
"of New-York That New-Hampshire paid a ready obedience;
"furthermore advertising such persons as held either civil or
"military commissions (in this district) under the authority of
"New-Hampshire, to surcease from any further administration
At the same time "directing the inhabitants to conform to
"the government of New-York" We likewise find the follow-
ing extract, in a letter from the Govenor of New-Hampshire to

or inferient constitutional jurisdiction; the claim of New York therefore only servitude that of New Hampshire from the arbitrary decree of 1764. to the glorious era of American Liberty and Indipendence, which was declared the fourth day of July 1776. and was expired also, to the inexpressable joy of the free citizens of Vermont, who, in consequence thereof, reverted to a State of nature, and have since formed government on the pure principles of liberty.

This royal arbitrary line in the time of the kingly power was in the nature of it incompatible with the rights of a free people, as they were thereby divested of the inestimable privaledge of choosing their own form of government, and of electing their chief magistrates; nor were they in such circumstances in any condition, to know what form or alteration of government might next take place, as the king and his creatures were the sole arbitrations of it. In fine, this people have suffered every indignity and apprehension; that prodigal and lucrative governors, and their swarm of hungry dependents could invent, and carry into execution; and it is surprising, that any persons that live in these days of liberty, still entertain any idea that the said boundary line should operate in favour of the claim of New-York. From this short review of the claims of Massachusetts-Bay and New-Hampshire, they cannot affect the claim of Vermont in indipendence; which may be further illustrated by a two fold argument; viz. provided those adjudicated boundary lines of 1739 and 1764 aforesaid, be deemed authentic and valid, their claims to Vermont must be considered as null and void, in this case the claim of Vermont, to the jurisdiction of this territory, would be much better grounded, than those of Massachusetts-Bay or New-Hampshire, inasmuch as their government hath for a long time been formed by the authority of the people at large, or their legal representatives, who under God have a natural and indisputable right to form their own

governments; so that the claims of Massachusetts-Bay and New-Hampshire to this territory are barred either by the aforesaid adjudication, or in consequence of the legal establishment of the government of Vermont, nor is it possible for any one, on both those governments to set up a third principle, whereby they can deduce a legal or just claim to any part of this government; for if their claims are not founded on the lines formely ascertained by the British government, on the free consent and mutual association of the people of this territory, their pretensions are frivolous or tyrannicle. This twofold argument is not viewed as being absolutely necessary in order to defeat the claims of those governments to the said premises, but was introduced by way of supererogation, sufficient it is in order to vindicate the claim of independence of the State of Vermont, against those of Massachusetts-Bay and New-Hampshire; that they governments have for a series of years conformed to those settlements of 1733 & 1764 in their legislature and executive capacities & acted uniformly agreeable to those limitations, until within a few months last past. Sundry years before the commencement of the present British war with the colonies, the people of this territory solicited both of those governments, at different times, to extend their government & protection to them, and prevent the ruin with which they were threatned by the oppressive iron rod of the government of New-York, but could obtain none. But it appears by their late claims, that they have since altered their minds, although their motive herein (it is presumed) are from being honourable — for it is a great fundamental and universal principle in all free governments, that government and protection, are inseperably connected together; so that without protection or at least an attempt to extend it when earnestly solicited as aforesaid, government naturally and necessarily ceases

to be; or in other words, such a refusal of protection implicitly disavows any right of jurisdiction, or forfeits any supposed right-either by neglecting such claims, or refusing such protection; From whence we may infer, that all pretenders to government, which have not ultimately the good of the governed in view, and do not afford, or endeavour to afford protection to those over whome they pretend such claims, should instead of the respects due to Legislatures, courts and the like, be esteemed and treated as enemies to Society and the rights of mankind. Thus it appears from the great and most universally received maxim in all free governments, that the citizens of Vermont are and ought to be independant of the three governments which lay claim to them; and that every one of their said pretensions are daring usurpations and insults on the liberty of an independant, brave and free people, who have never received any governmental protection or benefit from either of them; but instead there of have every thing to apprehend from their venality and usurpation: Had New-York succeeded in their various and insidious attempts to subjugate the people of Vermont, the recent claims of those other governments would never have been mentioned, and the jurisdiction of New-York over this territory would, at this day, have been indisputable; so that Massachusetts-Bay and New-Hampshire have taken advantage of the contravers[illegible] between New York and Vermont, and ever of the bravery of the latter in defending their natural rights and liberties, as the only possible ground, of laying their frivolous claims. They have furthermore taken the advantage of the bravery of the United States in general, and Vermont likewise, in bringing about the present revolution, by which means they dare extend their pretended claims, which it is presumed they would not have had the hardiness to under the

Govenor Tryon, of the 19th October 1771, viz) "That he had inwardly recommended "to those inhabitants, implicit obedience "to the Law of the province of New York, and upon all occasions "positively disavowed any connections with those people."

We next exhibit the minutes of the Council of New Hampshire, viz.

"Province of New Hampshire.

"At a Council held at Portsmouth, by his Excellency's Summons "on Thursday the 8th day of January, 1772.

"Present.

"His Excellency John Wentworth, Esq; Govenor, &c.

"Theodore Atkinson Esq;	"Daniel Pearce Esq;
"Daniel Warner Esq;	"George Jeffery Esq;
"Peter Levins Esq;	"Daniel Rogers Esq;
"Jonathan Warner Esq;	"Peter Gilman Esq;
"Daniel Ridger Esq;	"Thomas W. Waldren Esq;

"His Excellency the Govenor having laid before the Council for their advice two letters, from his Excellency Govenor Tryon, of New-York, dated October 1771, and December 23, 1771. the latter enclosing a proclimation, also a copy of his Excellency's answer to the first letter. The premises being read, it is considered, that by his Majesty's order in Council of the 20th of July, 1764, the western banks of Connecticut River was then commanded to be the west bounds of this Province; and that this government has been, and is entirely obedient thereto.

Therefore the said proclimation relating wholly to matters, & things without the boundaries of this Province, it is advised that the publication therefore, by the authority of this province, is extra-provincial, and therefore in our opinion improper, and that his Excellency is further advised not to issue any proclimation relating to the premises. Secondly, that it is not expedient for the government in any wise to interfere with or concern in running the lines between his Majesty's Provinces of New-York and Canada, which by his Excellency Govenor Tryon's letter of the 23d December 1771, is already begun. by

"Commissioners appointed for service, agreeable to his Majestys
"instructions, wherein it does not appear that this province is
"referred to or mentioned.

"A true copy from the minuets of Council.

Attest George King, Deputy Secretary.

"The following is a copy of a letter from the President of the Council of New "Hampshire to (then) Secretary of this State, viz.

Exeter July 19. 1777.

"Sir

I was favoured with yours of the 15th instant yesterday by express, and laid the same before our General Court, who are sitting, who had previous thereto determined that a quarter part of the militia of twelve regiments shall be immediately drafted, formed into three battalions, under the command of Brigadier General John Starks, and forthwith sent into your State, to oppose the ravages, and coming forward of the enemy; and orders are now issuing and will all go out in a few hours to the several Colones for that purpose. Dependendence is made that they will be supplied with provisions from your State, and I am to desire your Convention will send some person or persons to No. 4. by Thursday next, to meet General Stark there, and advise with him relative to the rout and disposition of our troops, and to give him such information as you may then have relative to the maneuvers of the enemy.

In behalf of the Council and Assembly, I am, Sir, your most obedient and humble servant.

Meshech Weare, President.

"Ira Allen, Esq. Secretares of the State of Vermont."

Copy of from President Ware's letter to Govenor Chittenden,

Exeter August 22. 1778.

"A paper has been laid before the General Assembly, "attested by Thomas Chandler you, as Secretary to the

"State of Vermont, to receive into union with that State,
"fifteen town on the east side of Connecticut river; and
"have, or rather an invitation to any towns contiguous to
"those, to enter into the same union; on which I am di-
"rected to represent to you, and to desire it may be laid
"before the representatives of your people, the intimation
"in the said resolve, that the said fifteen towns are not
"connected with any State with respect to their internal
"police, is an idle phantom, a mere chimere, without
"the least shadow of reason for its support. The town of
"Boston in the Massachusetts Bay, or Hartford in Connect-
"icut (if disposed) might as rationally evince their being
"unconnected with their respective States, as those fifteen
"towns their not being connected with New-Hampshire.

"Were not those towns settled and cultivated under
"the grant of the governor of New-Hampshire? Are they
"not in the lines there of as settled by the King of Great
"Britain, for the present and? Is there any ascertaining the
"boundaries between any of the United States of America
"but by the lines formerly established by Great Briton?
"I am sure there there is not. Did not the most of those
"towns send delegates to the Convention of this State in the
"1775? Have they not from the commencement of the present
"war applied to the State of New-Hampshire for assistance
"and protection? It is well known they did; and that New-
"Hampshire, at their own expence, hath supplied them
"with arms, ammunition, &c. to a very great amount, as well
"as paid Soldiers for their particular defence and at their
"request, as members of this State; whence then could this
"new doctrine that they were unconnected with us originate
"I earnestly desire that this matter may be seriously attended
"to, and I am persuaded that the tendency there of will be
"to anarchy and confusion.

"When I consider the circumstances of the people west of
"Connecticut river; the difficulties they encountered in their

"first settlement; their late endeavour to organise gov-
"ernment among themselves, and the uncertainty of their
"being admitted as a seperate State into the confederacy of
"the United States; I am astonished that they should supply
"their enemies with arguments against them, by their connecting
"themselves with people whose circumstances are wholly dif-
"ferent from their own, and who are actually members of
"the State of New-Hampshire.

"I beseech you, Sir, for the sake of the people you pre-
"side over; and the people, for the sake of their future
"peace and tranquility, to relinquish every connection; as
"a political body, with the towns east of Connecticut river,
"who are members of the State of New-Hampshire, entitled
"to the same privileges as the other people of the said
"States, from which there has never been any attempt
"to restrain them.

"Signed, Nesheck Weare
President of the Council of New Hampshire

"To the Hon. Thomas Chittenden Esq.

The foregoing letter was laid before the General Assem-
bly of this State, at their session in October 1778. agreeable
to President Weare's request, and a joint committee was
thereupon appointed from the Council and Assembly, and
the said reunion was dissolved; and President Weare's
demands fully and amply adjusted and settled, at the
then next adjourned session of Assembly held at Benning-
ton, on the 12th day of February 1779; as will appear by the
following extract of the report of said Committee, and the res-
olution of the Assembly thereon, viz.

State of Vermont
Bennington 12th February 1779.

"To the Honorable the General Assembly,

Your Comittee, appointed to propose a draught relative
to dissolving the reunion with Sixteen towns east of
Connecticut river with this State, beg leave to report as

follows, viz.

Whereas in consequence of a representation made to the General Assembly of this State, at their session held at Windsor in March 1778. by a committee consisting of seven persons, inhabiting several towns "lying contiguous to the east side of Connecticut river that a number of inhabited towns east of said river were then unconnected with any State, in regard to their internal police; and on said committee application to the General Assembly, that the said towns might be admitted into the union with this State, orders were issued by the General Assembly, to the "representatives constituents, for instructions in the premises. "And whereas in consequence of such instructions, "the representatives of said constituents (when met at "their adjourned session at Bennington, on the eleventh "day of June last) did receive into union with said State, "sixteen towns east of said Connecticut river, and "grant leave to other towns to unite if they should choose.

"And whereas the General Assembly of this State, did "at their session at Windsor, in October last, agree on "certain methods (contained in the report of the grand "committee of both houses) to settle and adjust the dis- "pute with New-Hampshire. -

"And whereas your committe have just grounds "to apprehend that the said sixteen towns are of right included within the jurisdiction of New-Hampshire, they are therefore of opinion, that the said union ought to be considered as being full from the beginning.

Jonas Fay. Chairman of Com.

In General Assembly.

Bennington 12th February 1779.

"The above draught being read was accepted, and this "Assembly do thereupon Resolve, That the said union "be and is hereby dissolved and made totally void, null "and extinct:

Extract from the minutes

"M. Lyon. Clerk."

It is presumed that from the settlement of the boundary line between New York and New Hampshire in 1764. to the date of President Wears letter of the 22d august aforesaid, which is more than fourteen years, that New Hampshire (during this period) had given up, in the most explicit and public manner, all pretensions to the jurisdiction of any and every part of the lands comprehended in this State.— Governor Bemaing Wentworths proclamation aforesaid, sets this matter in a clear light, soon after the alteration of jurisdiction, directing the settlers under New Hampshire to conform to the Laws of New York. The letter from the Govenor of New Hampshire to Govenor Tryon, of the 19th of October 1771 That he had invariably recommended "implicit obedience to the laws" of New York, "and upon all occasions positively disavowed any connection "with those people." The Govenor and Council of New Hampshire the 8th of January 1772 wholly renounced their claim to the premises; "It is considered that by his Majesty's order "in Council of the 20th of July 1764 the western banks of Connecticut river was then commanded to be the west bounds of "this province; and that this government has been entirely "obedient thereto." President Wears letter to Ira Allen, Esq. proceeds still further, and positively conceeds to the independence of this State. It appears that the Court of the State of New Hampshire by their President, address him in his official character, viz. as "Secretary of the State of Vermont;" and in the contents of the letter, when writing to the Secretary of this State, not less than three times gives it the appellation or stile of "your State;" and observes in the finishing clause of the letter, "in behalf of the Council and Assembly, I am," &c. From all which it appears, that the said letter has the authority of the General Court that State for its support; and which, in the most express terms acknowledge the independence of this State, which is of itself a final bar to the claim of New-

Hampshire; For, if governments can relinquish their claim of Jurisdiction when they please, and assume it again a pleasure, the whole notion of governmental jurisdiction is reduced to a mere romance, and nothing permanent, obligatory or binding in it; and therefore such a precedent is inadmissable, as it would, if admitted to become general, destroy all order and decorum in the universe.

It should be acknowledged that the Court of New-Hampshire, through the channel of their Presidents letter to Governor Chittenden, before inserted, offered a number or reasons relative to the impropriety of this States taking into union Sixteen towns east of Connecticut river; which reasons are equally conclusive against the claim of New-Hampshire to the westward of the same river. Says Mr. Weare their President "Is there any ascertaining the boundaries between any of the United States of America, but by the lines formerly established by the authority of Great Britain? I am sure there is not." This being admitted we are equally sure New-Hampshire has no right to any territorial jurisdiction to the westward of said river. Notwithstanding it appears that the court of New-Hampshire, in the first place, pleaded the settlement of the line in 1764, as the main ground of their title to those Sixteen towns aforesaid, (west of the Mason line) by which means they are included in their jurisdiction, and in a few months afterward break over the said line of 1764, and lay claim to the State of Vermont; when at the same time nothing can be more apparent than that the same arguments by which they establish their claim to those said Sixteen town east of the river, effectually bars their claim to the westward of the same river, and leaves the contested territory to be disputed between New-York and Vermont. "I am surprised," says the President that they speaking of the inhabitants of this State, "should supply their enemies with arguments against them, by their connecting themselves with people having reference

"those fifteen towns) whose circumstances are totally different
"from their own, and who are actually members of the State of
"New-Hampshire." This last clause affirming that the inhabitants of those fifteen towns were actually members of the State of New-Hampshire, at the same time implicitly affirms that the inhabitants on the west side of the said river were not which is fully explained in the preceeding part of the same paragraph, viz. "Whose circumstances are wholly "different from their own," that is, the members of the State of Vermont; which is still further explained from another paragraph of the same letter, when after stating the facts relative to the aforesaid union with those fifteen towns before frequently mentioned, says, "on which I am directed "to represent to you, and to desire it may be laid before the "representatives of your people." As this was addressed to the Govenor of Vermont, from the court of New-Hampshire, to be laid before their representative body, or General Assembly, in which the claim of New-Hampshire is clearly set up, & their right vindicated to a number of towns, over which Vermont, on a mistaken and wrong representation had encroached: upon the representation whereof, the General Court of the State of Vermont dissolved the union as aforesaid; and agreeable to the claim and request of the Court of the State of New-Hampshire, relinquished every connection, as a political body with those fifteen town, east of Connecticut river: And thus the respective governments of New-Hampshire and Vermont, having mutually settled their boundary line on the west banks of Connecticut river agreeable to the adjudication thereof in 1764. between New-York and New-Hampshire, cannot fail of operating as a final bar against any subsequent claim of New-Hampshire to any part of the State of Vermont. For, New-Hampshire made their claim, and Vermont very readily closed with them, and gave them their whole demand, in which the minds of both governments met, and the dispute naturally and necessarily

cited; and, it is but children's play for New-Hampshire to make a second demand on the State of Vermont; for if one settlement is not decisive and binding, neither would a second or a third, and so on, ad infinitum. Previous to the claims of Massachusetts-Bay and New-Hampshire to Vermont, the simplicity of the inhabitants of this government, and their veneration for Congress was so great, that it is highly probable that they would have very frankly submitted the long controversy between them and New-York, to the final decision of the Congress of the United States; though at the same time they were far from an opinion that congress had any legal, inherent or constitutional right (exclusive of their own consent and approbation) so to do: But, the recent claims of Massachusetts-Bay and New-Hampshire, in concert with New-York, and it is suspected in confederacy with each other to divide this State among those three governments, has excited their apprehension, for though it may not prove a triple league as is imagined, it is at least a strong combinations of interests, which will undoubtedly agree in the ruin of this State, whatever disputes may happen between themselves relative to the jurisdiction thereof. And as to the States Virginia, N. Carolina, and S. Carolina, whose territories are immensely large, and whose interest it is to maintain their respective Soverignties over their extensive claims, which may in natural probability influence their delegates in Congress to oppose the independence of Vermont, as it may in future operate as a precedent to divide those large territories into different States, (not that it is supposed by us that there is any similarity in the circumstances of this tract of contry to any other part of America;) and thus from views of their own particular interests, be very partial and biassed judges of the right of Vermont to independence; and instead of judging on the principles of justice and equity which respects Vermont, as opposed to the claims of Massachusetts-Bay, New-Hampshire and New-York, may rather determine the matter agreeable to their own ambition

and interest; so that were Vermont to calmly submit their indubitable claim of independence to Congress, though they are as respectable a body as the world ever produced, it would be by no means certain that Vermont could have an impartial trial; as there may be many connections of interests very prejudicial to them which at present we cannot conceive of, and which is out of our power to come at the knowledge of, as this State is not represented in Congress. These things being premised, and as the freemen of this State have never had any voice in electing, forming or creating Congress, as a political body, or had any representation therein; but have been rather misrepresented. And whereas this State hold their charter of Liberty from Heaven, and not "of men, or the will of man," have upon a full and candid examination and consideration determined not to submit Heaven-Born Freedom to the arbitrament of any tribunal below the stars, which through infirmity might deprive them of it. But, as they have closely embraced it in the most critical and hazardous times, are determined to hold it fast, except it be torn from from them by the hand of power; which resolution we trust will be justified by the court of Heaven, and commended by all true friends to the liberty and happiness of mankind.

The following is an extract from the proceedings of the General Assembly of Vermont at their session in October last viz.

State of Vermont.
In General Assembly.
Manchester, October 20th 1779.

"Agreeable to the order of the day, the Governor, Council "and House of Representatives were resolved into a Committee of "the whole, to take into consideration the letter of the 25th ult. "from his Excellency John Jay, Esq: late President of the Congress "of the United States of America, enclosing certain acts of Congress,

"for an equitable settlement of all differences subsisting betw
"the States of New-Hampshire, Massachusetts-Bay and New-
"York, on the one part, and this State on the other. The Govenor
"resumed the chair, and after mature deliberation, the follow
"ing resolutions being read several times, were agreed to, viz.

"Resolved unanimously, That it is the opinion of this Com
"mittee, that this State ought to support their right to Indepen
"dence at Congress and to the world, in the character of a Free
"and Independent State.

"Resolved that this Committee recommend it to the
"General Assembly to make grants of all, or any part of the
"unappropriated lands within their jurisdiction, that does
"not interfere with any former grants, as their wisdom may
"direct.

"Extract from the Minutes.

"Joseph Fay, Clerk.

"In General Assembly.

Manchester October 21st. 1779.

"The Committee of the whole reported, that they had come
"to the foregoing resolution, which the Clerk was ordered to
"read, and on motion being made, it is unanimously Resolved
"by this Assembly that they agree thereto.

"Extract from the Journals.

"Roswell Hopkins, Clerk.

"Resolved, That five persons be chosen by ballot, Agents
"in behalf of the freemen of this State, to appear at the Congress
"of the United States of America on the first day of February
"next, and they, or any three of them, are hereby fully authorised
"and impowered by the freemen aforesaid, to vindicate their
"right to Independence at that honorable Board.

"And furthermore, our said agents, or any three of them
"are hereby amply impowered to agree upon and fully, to
"settle articles of union and confederation in behalf of
this State, which shall be valid and binding on us,
on our constituents and our successors; and our said Agents

are hereby further impowered to transact all other political affairs of this State at Congress, as a Free and Independent State, and report their proceedings to this Assembly as soon as may be.

Extract from the Journals.

Roswell Hopkins. Clerk.

Sent up for Concurrence.

In Council. - Manchester. October 21. 1779.

Read and Concurred,

Attest Joseph Fay. Sec'ry.